

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-226
15-CR-152

KOU LEE,

Defendant.

ORDER GRANTING MOTION TO ADJOURN AND EXCLUDE TIME

On December 10, 2019, Defendant Kou Lee was charged with Possession with Intent to Distribute Methamphetamine and Possession of Ammunition by a Felon in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and Title 21 U.S.C. §§ 841(a), and (b)(1)(A) in 19-CR-226. On November 5, 2019, Kou Lee appeared for an initial hearing for revocation in 15-CR-152 based upon the allegations of new criminal conduct. On January 30, 2020, counsel e-filed a Plea Agreement and a motion to remove the final pre-trial and trial dates from the court calendar in order to combine the Change of Plea and Sentencing dates in this case with defendant's revocation proceedings in 15-CR-152. Counsel conferred with the Assistant United States Attorney, who has no objection to the request. Counsel agree that the combined hearing should be scheduled in approximately 30 days to allow counsel to complete a global resolution of both cases. Counsel also request that the United States Probation Office prepare a pre-plea presentence investigation report for that hearing.

Having considered the request, **IT IS HEREBY ORDERED** that the unopposed motion to remove the scheduled final pretrial and jury trial dates from the calendar is GRANTED and the Clerk is directed to schedule the combined change of plea/sentencing/revocation hearing in 19-CR-226 and 15-CR-152 to be held in March 2020.

IT IS ALSO ORDERED the United States Probation Office prepare a pre-plea presentence investigation report for that hearing.

IT IS FURTHER ORDERED that all time between the previously scheduled trial date and the newly rescheduled combined hearing date be excluded from the calculation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

The court finds that the delay resulting from a continuance is warranted to allow the parties to complete finalization of their plea agreement and concludes that the interest of the defendant and the public in a speedy trial is outweighed by the need to ensure that the defendant has a full and fair opportunity to confer with counsel and the Government and attempt to resolve both matters short of trial, if possible. Accordingly, the delay necessitated by this action is excluded from the calculation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Dated this 3rd day of February, 2020.

BY THE COURT:

s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court